

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRAVIS MICHAEL UNDERWOOD, #413128,

Plaintiff,

v.

CASE NO. 2:12-CV-15679
HONORABLE LAWRENCE P. ZATKOFF

DANIEL HEYNS, et al.,

Defendants.

**ORDER DENYING MOTION FOR RECONSIDERATION
AND FOR LEAVE TO FILE AN AMENDED COMPLAINT**

This matter is before the Court on Plaintiff Travis Michael Underwood's motion for reconsideration and for leave to file an amended complaint concerning the Court's dismissal of his pro se civil rights complaint brought pursuant to 42 U.S.C. § 1983. In his complaint, Plaintiff sued numerous Michigan Department of Corrections officials, administrators, and medical personnel alleging a lack of proper medical care for his left shoulder. The Court dismissed the complaint for failure to state a claim upon which relief may be granted under § 1983.

Plaintiff's motion must be denied. A motion for reconsideration which presents issues already ruled upon by the district court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Plaintiff raises just such issues in his motion. The Court properly dismissed the complaint for the reasons stated in the opinion. Plaintiff has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by

Local Rule 7.1(h)(3).

Additionally, to the extent that Plaintiff seeks to amend his complaint to cure defects in his initial pleadings, his motion must be denied given the dismissal of his complaint. The Court may not permit Plaintiff to amend his civil rights complaint to defeat summary dismissal. *See Baxter v. Rose*, 305 F.3d 486, 488-89 (6th Cir. 2002) (citing *McGore v. Wigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997)); *see also Clayton v. United States Dep't. of Justice, et al.*, 136 F. App'x 840, 842 (6th Cir. 2005). Accordingly, the Court **DENIES** Plaintiff's motion. This case is closed. No further pleadings should be filed in this matter.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 13, 2013